

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

August 30, 2007

## NOTICE TO ALL COUNSEL OR RECORD:

No. 05-16964 - Jerry Greenberg v. National Geographic Society, et al.

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, Clerk

By \_\_\_\_\_  
Matt Davidson  
Calendar Clerk

Kenneth W. Starr 202.879.5200  
Christopher Landau  
Erin E. Morrow  
Stephen N. Zack 305.539.1307  
Jennifer G. Altman  
Robert G. Sugarman 212.310.8007  
Norman Davis 305.577.7001  
Slade R. Metcalf 212.918.3100  
Arnold P. Lutzker 202.408.7600  
Christophe Landau  
Clerk, U.S. District Court (SFL-Miami))  
Hon. Andrea M. Simonton

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

\_\_\_\_\_  
No. 05-16964

(D.C. Docket No. 97-03924-CV-AMS)

JERRY GREENBERG,  
individually,

Plaintiff-Appellee,

IDAZ GREENBEREG,  
individually,

Plaintiff,

versus

NATIONAL GEOGRAPHIC SOCIETY,  
a District of Columbia corporation, NATIONAL GEOGRAPHIC  
ENTERPRISES, INC., a corporation, MINDSCAPE, INC.,  
a California corporation,

Defendants-Appellants.

-----  
On Appeal from the United States District Court for the  
Southern District of Florida  
-----

(Opinion June 13, 2007, \_\_\_ F.3rd \_\_\_, 11<sup>th</sup> Cir. 2007)

(August 30, 2007)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT,  
MARCUS, WILSON and PRYOR, Circuit Judges\*.

**B Y T H E C O U R T :**

A member of this Court in active service having requested a poll on the suggestions of rehearing en banc and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.

\_\_\_\_\_  
\*Judge Frank M. Hull has recused herself and will not participate. Senior United States Circuit Judge Phyllis A. Kravitch has elected to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).